

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

No. 4:17-CR-00291

v.

(Judge Brann)

NATHAN CROWDER,

Defendant.

ORDER

AND NOW, this 30th day of May 2019, **IT IS HEREBY ORDERED** that Defendant's "Motion to Strike Information Pursuant to 21 U.S.C. § 851," November 30, 2018, ECF No. 128, is **GRANTED in part and DENIED in part** as follows:

1. In accordance with the Government's April 22, 2019 oral motion to withdraw the December 14, 2017 Information of Prior Conviction, this Information is deemed to be withdrawn and **STRICKEN** from the docket effective April 22, 2019.
2. Insofar as Crowder's motion is a motion to strike "CP-41-CR-0000074-2016, Count 2, Lycoming County Court of Common Pleas, arrest date 01/03/2016, disposition date 07/12/2016, no contest plea to 35 § Pa. C.S. §780-113 §§ (a)(30), Manufacturing, Delivery, or Possessing with the Intent to Deliver a Controlled Substance" from

the June 26, 2018 Information to Establish Prior Conviction, the motion is **GRANTED**, and this conviction is **STRICKEN** as it does not qualify as a predicate offense under 21 U.S.C. § 851.

3. Insofar as Crowder's motion is a motion to strike "CP-41-CR-000968-2008, Count 1, Lycoming County Court of Common Pleas, arrest date 05/09/2008, disposition date 05/26/2009, guilty plea to 35 § Pa. C.S. 780-113 §§ (a)(30), Manufacturing, Delivery, or Possessing with the Intent to Deliver a Controlled Substance" from the June 26, 2018 Information to Establish Prior Conviction, the motion is **DENIED** as this conviction qualifies as a predicate offense under 21 U.S.C. § 851, and furthermore is not constitutionally violative.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge